

REMARKS

Applicants have filed herewith a continuation application comprising a complete copy of Application No. 09/448,080 (the ‘parent application’), as originally filed on November 23, 1999. By this amendment, Applicants amend the accompanying application to include an incorporation-by-reference of the parent application, and cancels Claims 9-18. Applicants further amend the title to reflect the cancellation of the method claims, and amends independent Claim 1 to further distinguish the present invention from prior art cited in the parent application.

More specifically, the final Office Action in the parent application rejected Claims 1-7 under 35 U.S.C. § 102(a) as being clearly anticipated by Kipke, Taniguchi, Kolm and Gauatter. Further, the Office Action rejected Claim 8 under 35 U.S.C. § 103(a) as obvious in light of Kipke, Taniguchi or Kolm. As discussed in detail below, the amended independent claim includes recitations that patentably distinguish the claimed invention over the cited references, taken either individually or in combination. As such, Applicants respectfully request allowance of the present application.

A. Amendments to Independent Claim 1

Independent Claim 1 is shown below with markings to illustrate the differences between the amended claim and Claim 1 as it existed immediately prior to the last Office Action.

1. (Amended) A microelectronic relay comprising:

a support structure, wherein the support structure includes a continuous planar section [portion] having a first portion and a second portion;

a first contact mounted on the first portion of the support structure, wherein the first contact comprises an upper surface and a lower surface, and wherein the lower surface is adjacent the first portion of the support structure; and

a second contact mounted on the second portion of the support structure and [deformable] comprising an upper surface and a lower surface, wherein at least one portion of the second contact is planar with respect to the first contact [for selectively engaging the first contact], and

Attorney's Docket No. 30540/241132

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dausch et al.
Appl. No.: To be assigned
Filed: Herewith
For: MINIATURE ELECTRICAL RELAYS USING A PIEZOELECTRIC THIN
FILM AS AN ACTUATING ELEMENT, AND METHODS OF FABRICATING
SAME

Box Patent Application
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

PRELIMINARY AMENDMENT UNDER 37 CFR § 1.115

Dear Sir:

Please amend the above-identified application as follows:

In The Specification:

Please rewrite the title as follows:

**MINIATURE ELECTRICAL RELAYS USING A PIEZOELECTRIC THIN FILM
AS AN ACTUATING ELEMENT**

Please add the following new paragraph on page 1, before 'BACKGROUND OF THE
INVENTION':

CROSS-REFERENCE TO RELATED APPLICATIONS

The present application is a continuation of U.S. Patent Application No. 09/448,080, filed November 23, 1999, titled "Miniature Electrical Relays Using A Piezoelectric Thin Film As An Actuating Element", the entire contents of which are incorporated herein by reference.

In The Claims:

Please cancel Claims 9-18.

Please amend Claim 1 as follows:

1. (Amended) A microelectronic relay comprising:

a support structure, wherein the support structure includes a continuous planar section having a first portion and a second portion;

a first contact mounted on the first portion of the support structure, wherein the first contact comprises an upper surface and a lower surface, and wherein the lower surface is adjacent the first portion of the support structure; and

a second contact mounted on the second portion of the support structure and comprising an upper surface and a lower surface, wherein at least one portion of the second contact is planar with respect to the first contact, and wherein at least a portion of the lower surface of the second contact is directly opposite from the upper surface of the first contact,

wherein a piezoelectric actuator is deposited on the upper surface of the second contact for selectively deforming the second contact relative to the first contact such that the lower surface of the second contact selectively engages the upper surface of the first contact.

wherein at least a portion of the lower surface of the second contact is directly opposite from the upper surface of the first contact,

wherein a piezoelectric actuator [coupled to the second contact,] is deposited on the upper surface of the second contact for [wherein the piezoelectric actuator selectively deforms] selectively deforming the second contact relative to the first contact such that the lower surface of the second contact selectively engages the upper surface of the first contact.

A. Amended Independent Claim 1 Is Patentable

Amended independent Claim 1 recites a microelectronic relay. More specifically, this claim recites a microelectronic relay that has a first contact and a second contact mounted on a continuous planar section of a support structure. The mounting of the first and second contacts on a continuous planar portion of the support structure minimizes the height of the structure and simplifies the construction of the microelectronic relay, as the need for additional support structures and/or mechanical connections are eliminated. Further, and importantly, this structure allows a microelectrical relay of small size to be incorporated directly into a microelectrical circuit during manufacture of the circuit. Applicant submits that neither the Kipke, Taniguchi, Kolm or Gevatter patents teach or suggest the recited combination of elements of amended independent Claim 1, and as such, amended independent Claim 1 is patentable.

U.S. Patent No. 5,286,199, to Kipke, discloses one or more piezoelectric elements arranged in a pressurized chamber filled with fluid. When a controlling voltage is supplied to the piezoelectric elements, the elements deform to displace the fluid, which in turn effects a movement of an operating element located on the surface of the fluid (see FIGs. 5 and 9). This is clearly unlike the present invention, which is a microelectronic cantilever structure having one end located opposite the end affixed to the support structure and displaced to directly engage a second contact upon the application of a voltage. On the contrary, each of the structures disclosed by Kipke include piezoelectric elements that are too large to be formed during micromachined construction as integrated microelectronic structures. More specifically, the Kipke structures rely on the displacement of water to move at least one contact, whereas the claimed invention includes contacts mounted on a continuous planar section, including a

piezoelectric element for selectively engaging a second contact upon the application of a voltage to the piezoelectric element. In sum, the relay of Kipke is relatively large in dimension, and would likely be used as a discrete component added separately to a circuit to be switched, as opposed to the present invention, which may be integrated in a microelectronic circuit.

U.S. Patent No. 4,907,123, to Taniguchi et al., discloses an electromechanical transducer relay which opens and closes using piezoelectric elements. According to the patent, the relay includes an elongate moveable contact member comprised of piezoelectric material that moves laterally in the presence of an applied voltage. The lateral movement of the elongate contact member moves a contact in a fixed relationship with one end of the elongate contact member to effect a switch (see FIG. 4b). Unlike the present invention, however, the structure of Taniguchi et al. does not include a piezoelectric actuator coupled to a contact such that the piezoelectric element and contact maintain their positional relationship and are directly adjacent to each other.

Additionally, unlike the present invention, which includes a continuous planar section portion upon which both the contacts are attached, the contacts of Taniguchi et al. are located on different planes of the structure on which they are supported. This is unlike the structure of the present invention, which can be easily created during the fabrication of the microelectronic device in which it is integrated due in part to the use of contacts located on a planar portion of the substrate. On the contrary, the structure of Taniguchi et al. is intended as a component that is added on a printed wiring board (or circuit board) after construction of the circuit board (see, e.g., column 1, lines 19-27).

U.S. Patent No. 4,383,195, to Kolm et al., discloses a piezoelectric snap actuator having a piezoelectric element that drives the snap action device. The piezoelectric element is elongated and either provides sufficient force to move the snap action element towards (or away) from a fixed contact where the contact is separate from the piezoelectric element (see, e.g., FIG. 6), or moves the contact towards the snap action element, where the contact is affixed to the piezoelectric element (see, e.g., FIG. 3). Like Taniguchi et al., Kolm et al. may be distinguished from the present invention because the contacts of Kolm et al. are located on different planes of the structure on which they are supported. Requiring that the contacts be mounted on a continuous planar section of the substrate facilitates the creation of a microelectronic relay

incorporated into a microelectronic circuit. This is clearly distinguishable from the snap actuator of Kolm et al., which is a device intended for use in independently created circuits.

Finally, U.S. Patent No. 5,666,258, to Gevatter et al., discloses a micromechanical relay having a cantilevered armature that is etched out of an armature substrate. The cantilevered armature forms an electrostatic drive with respect to a base electrode mounted on a base substrate. The cantilevered armature is directed towards the base substrate and closes on the base electrode when a voltage is applied to electrodes of the armature (see FIG. 1). Although the apparatus of Gevatter et al. appears superficially similar to the present invention, the armature and a first contact associated with the armature are mounted on a separate structure than a second contact which the armature selectively engages. Unlike the device of Gevatter et al., the mounting of the first and second contacts on a continuous planar section of the support structure, as in amended Claim 1, minimizes the height of the structure and simplifies the construction of the microelectronic relay, as the need for additional support structures and/or mechanical connections are eliminated. For instance, as illustrated in FIG. 1 of Gevatter et al., the upper support structure 52, from which the armature 53 is fabricated, is not required in the presently claimed invention. As amended, another advantage of the presently claimed structure is that it facilitates the electrical connection with other planar elements or elements connected to the contacts through the board, such as through the use of vias or through-holes.

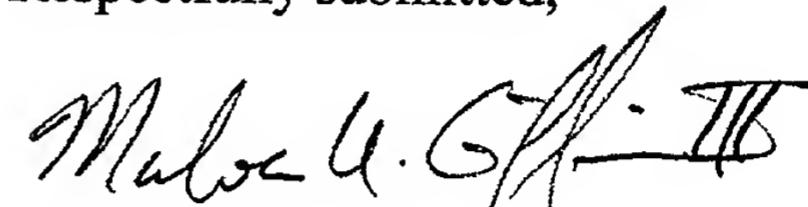
In light of the above, Applicant respectfully submits that none of the cited references teaches or suggests the microelectronic relay structure of independent Claim 1. Thus, Applicant hereby respectfully submits that amended independent Claim 1, as well as the claims that depend therefrom are patentable and request a Notice of Allowability as to these claims.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captions "Version with markings to show changes made." It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore

In re: Dausch, et al.
Appl. No.: To be assigned
Filed: Herewith
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(including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Malvern U. Griffin, III
Registration No. 38,899

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

"Express Mail" Mailing Label Number EL 928 376 555 US
Date of Deposit: January 16, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Taisha Richardson
Taisha Richardson

Version With Markings to Show Changes Made:

In the Specification:

Please amend the title as follows:

**MINIATURE ELECTRICAL RELAYS USING A PIEZOELECTRIC THIN FILM
AS AN ACTUATING ELEMENT[, AND METHODS OF FABRICATING SAME]**

In the Claims:

Please cancel Claims 9-18.

Please amend claim 1 as follows:

1. (Amended) A microelectronic relay comprising:

a support structure, wherein the support structure includes a continuous planar section having a first portion and a second portion;

a first contact mounted on [a] the first portion of the support structure, wherein the first contact comprises an upper surface and a lower surface, and wherein the lower surface is adjacent the first portion of the support structure; and

a second contact mounted on [a] the second portion of the support structure and [deformable] comprising an upper surface and a lower surface, wherein at least one portion of the second contact is planar with respect to the first contact [for selectively engaging the first contact], and wherein at least a portion of the lower surface of the second contact is directly opposite from the upper surface of the first contact,

wherein a piezoelectric actuator [coupled to the second contact,] is deposited on the upper surface of the second contact for [wherein the piezoelectric actuator selectively deforms] selectively deforming the second contact relative to the first contact such that the lower surface of the second contact selectively engages the upper surface of the first contact.